

Effective 3/29/2014

Superseded 7/1/2015

24-4-117 State Asset Forfeiture Grant Program.

- (1) There is created the State Asset Forfeiture Grant Program.
- (2) The program shall fund crime prevention, crime victim reparations, and law enforcement activities that have the purpose of:
 - (a) deterring crime by depriving criminals of the profits and proceeds of their illegal activities;
 - (b) weakening criminal enterprises by removing the instrumentalities of crime;
 - (c) reducing crimes involving substance abuse by supporting the creation, administration, or operation of drug court programs throughout the state;
 - (d) encouraging cooperation between local, state, and multijurisdictional law enforcement agencies;
 - (e) allowing the costs and expenses of law enforcement to be defrayed by the forfeited proceeds of crime;
 - (f) increasing the equitability and accountability of the use of forfeited property used to assist law enforcement in reducing and preventing crime; and
 - (g) providing aid to victims of criminally injurious conduct, as defined in Section 63M-7-502, who may be eligible for assistance under Title 63M, Chapter 7, Part 5, Utah Office for Victims of Crime.
- (3)
 - (a) When property is forfeited under this chapter and transferred to the account, upon appropriation the commission shall allocate and administer grants to state agencies, local law enforcement agencies, multijurisdictional law enforcement agencies, or political subdivisions of the state in compliance with this section and to further the program purposes under Subsection (2).
 - (b) The commission may retain up to 3% of the annual appropriation from the account to pay for administrative costs incurred by the commission, including salary and benefits, equipment, supplies, or travel costs that are directly related to the administration of the program.
- (4) Agencies or political subdivisions shall apply for an award from the program by completing and submitting forms specified by the commission.
- (5) In granting the awards, the commission shall ensure that the amount of each award takes into consideration the:
 - (a) demonstrated needs of the agency;
 - (b) demonstrated ability of the agency to appropriately use the award;
 - (c) degree to which the agency's need is offset through the agency's participation in federal equitable sharing or through other federal and state grant programs; and
 - (d) agency's cooperation with other state and local agencies and task forces.
- (6) Applying agencies or political subdivisions shall demonstrate compliance with all reporting and policy requirements applicable under this chapter and under Title 63M, Chapter 7, Criminal Justice and Substance Abuse, in order to qualify as a potential award recipient.
- (7)
 - (a) Recipient law enforcement agencies may only use award money after approval by the agency's legislative body.
 - (b) The award money is nonlapsing.
- (8) A recipient state agency, local law enforcement agency, multijurisdictional law enforcement agency, or political subdivision shall use awards only for law enforcement purposes as described in this section or for victim reparations as described in Subsection (2)(g), and only

as these purposes are specified by the agency or political subdivision in its application for the award.

- (9) Permissible law enforcement purposes for which award money may be used include:
- (a) controlled substance interdiction and enforcement activities;
 - (b) drug court programs;
 - (c) activities calculated to enhance future law enforcement investigations;
 - (d) law enforcement training that includes:
 - (i) implementation of the Fourth Amendment to the United States Constitution and Utah Constitution, Article I, Section 7, and that addresses the protection of the individual's right of due process;
 - (ii) protection of the rights of innocent property holders; and
 - (iii) the Tenth Amendment to the United States Constitution regarding states' sovereignty and the states' reserved rights;
 - (e) law enforcement or detention facilities;
 - (f) law enforcement operations or equipment that are not routine costs or operational expenses;
 - (g) drug, gang, or crime prevention education programs that are sponsored in whole or in part by the law enforcement agency or its legislative body;
 - (h) matching funds for other state or federal law enforcement grants; and
 - (i) the payment of legal costs, attorney fees, and postjudgment interest in forfeiture actions.
- (10) Law enforcement purposes for which award money may not be granted or used include:
- (a) payment of salaries, retirement benefits, or bonuses to any person;
 - (b) payment of expenses not related to law enforcement;
 - (c) uses not specified in the agency's award application;
 - (d) uses not approved by the agency's legislative body;
 - (e) payments, transfers, or pass-through funding to entities other than law enforcement agencies; or
 - (f) uses, payments, or expenses that are not within the scope of the agency's functions.
- (11)
- (a) For each fiscal year, any state, local, or multijurisdictional agency or political subdivision that received an award shall prepare, and file with the commission, a report in a form specified by the commission.
 - (b) The report shall include the following regarding each award:
 - (i) the agency's name;
 - (ii) the amount of the award;
 - (iii) the date of the award;
 - (iv) how the award has been used; and
 - (v) a statement signed by both the agency's or political subdivision's executive officer or designee and by the agency's legal counsel, that:
 - (A) the agency or political subdivision has complied with all inventory, policy, and reporting requirements of this chapter; and
 - (B) all awards were used for crime reduction, crime victim reparations, or law enforcement purposes as specified in the application and only upon approval by the agency's or political subdivision's legislative body.
- (12)
- (a) The commission shall report in writing to the legislative Law Enforcement and Criminal Justice Interim Committee annually regarding the forfeited property transferred to the account, awards made by the program, uses of program awards, and any equitable share of

property forfeited by the federal government as reported by agencies pursuant to Subsection 24-4-114(4).

(b) The report shall be submitted annually on or before November 1.